

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-022770

09/13/2013

HON. MARK F. ACETO

CLERK OF THE COURT
M. Kay
Deputy

ARACAJU INC, et al.

DAVID R SCHWARTZ

v.

TRUE NORTH INC, et al.

BRADLEY D WEECH

RYAN W ANDERSON
ROGER C DECKER

MINUTE ENTRY

As background, the Court makes note of the following:

- The Court has determined that Plaintiffs have a right to buy out Defendants' interest in the subject entities.
- Defendants appealed the Court's orders.
- Regarding Plaintiffs' right to close on the buyout, a temporary stay is in effect until 4 p.m. on September 17, 2013. An order signed by the Court on September 6, 2013, provides for possible extension of this stay under certain conditions. One of those conditions is the posting of a \$300,000.00 supersedeas bond by Defendants.
- This morning, the Court of Appeals dismissed Defendants' appeal.

STATUS CONFERENCE

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IT IS ORDERED setting a Status Conference on **September 16, 2013 at 2:00 p.m.** in this Division at:

Maricopa County Superior Court
Southeast Adult Facility
222 E. Javelina Dr.
Courtroom 203
Mesa, AZ 85210

Further, it is ordered that counsel for both sides must be in Court for this Status Conference.

RULE 54(b) LANGUAGE

On August 9, 2013, Defendants filed a “Request for Insertion of Rule 54(b) Language on May 23, 2013 and July 19, 2013 Orders”. The Court has reviewed the pleadings. Under the circumstances, it is ordered granting Defendants’ request. Further, it is ordered that Defense counsel bring to the September 16 status conference proposed orders consistent with what Defendants requested through the pleading they filed on August 9.¹

EXTENSION OF TEMPORARY STAY

It is the understanding of the Court that no appeal is currently pending. That said, once orders with Rule 54(b) language are signed and filed, a notice of appeal may be filed. Under the circumstances, the Court is inclined on its own motion, to extend the above discussed temporary stay until 4 p.m. on September 19, 2013. The Court will hear argument regarding the appropriateness of such an extension at the status conference on September 16, 2013.

To the extent Defendants desire to seek a stay beyond September 19, 2013, the Court notes that time is of the essence regarding action by Defendants. For example, it is quite unlikely that the stay will be further extended by order of this Court unless (1) a notice of appeal is filed and (2) the conditions in the order signed by the Court on September 6, 2013 are satisfied (including the positing of a \$300,000.00 supersedeas bond).²

COPIES PROVIDED TO COUNSEL TODAY

¹ The Court encourages counsel to confer with adverse counsel before the status conference regarding proposed orders that may be approved of as to form.

² Because any future appeal would be under a new Court of Appeals case number, the Court understands that a new signed order regarding stay would be necessary.

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The Court notes that it has electronically provided copies of this minute entry to counsel on the afternoon of September 13, 2013.